

Appl. No. 09/880,266
Amdt. Dated June 24, 2005
Reply to Office action of March 28, 2005
Attorney Docket No. P14978-US2
EUS/J/P/05-3148

REMARKS/ARGUMENTS

Claim Amendments

The Applicant has amended claims 1, 9 and 13. Applicant respectfully submits no new matter has been added. Accordingly, claims 1-7 and 9-14 are pending in the application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

Claim Rejections – Double Patenting

The Examiner rejected claims 1-7 and 9-14 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 and 24 of Valentine et al., U.S. Patent No. 6,356,751 in view of Choi et al. (US 6,594,492). The present application and U.S. Patent No. 6,594,492 are commonly owned by the Assignee, Telefonaktiebolaget LM Ericsson (publ). An assignment, which assigns ownership to the Assignee of US Patent No. 6,594,492 and all continuing applications, was recorded in the USPTO on July 6, 1999 at reel/frame 010074/0044.

The present application and U.S. Patent No. 6,356,751 are commonly owned by the Assignee, Telefonaktiebolaget LM Ericsson (publ). U.S. Patent No. 6,356,751 is owned by Ericsson Inc. (a U.S. Corporation), which is a wholly owned subsidiary of Telefonaktiebolaget LM Ericsson (publ). An assignment, which assigns ownership to the Assignee of US Patent No. 6,356,751 and all continuing applications, was recorded in the USPTO on June 24, 1999 at reel/frame 010065/0607.

With regard to the double patenting rejection, the Applicant respectfully traverses the rejection. Though similar in outcome the noted patents are different in the means for accomplishing the outcome. For instance, the Choi reference does mention geographical location as one of many possible parameters, which may be sent from the serving exchange to an anchor exchange. However, Figure 5 in Choi describes a scheme for obtaining location information after an inter-MSC handoff.

The Emergency Service Centre (ESC) triggers a positioning request by sending a message to an anchor MSC. However, the Applicant's invention discloses the serving MSC, not the anchor MSC, triggering the positioning request upon invocation from the

Appl. No. 09/880,286
Amdt. Dated June 24, 2005
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Attorney Docket No. P14976-US2
EUS/J/P/05-3148

mobile terminal. Choi initiates the invocation from the anchor system while the Applicant's invention triggers it from the serving system. Furthermore, in the Choi reference, the ESC expects a response to the positioning request and the ESC (ESNE) receives an unexpected call setup including the position information at the end of the process. Hence, though the end-result is similar, the method to achieve the result is patentably distinct.

The Valentine reference discloses emergency calling in a satellite system. There is no inter-MSC handoff as there is in the present invention.

Though there are 3-party calls involving an emergency service center, neither reference discloses the methods and network of the Applicant's invention. The Applicant respectfully requests the withdrawal of the rejection of the subject claims.

Claim Rejections – 35 U.S.C. § 103 (a)

Claims 1, 9 and 13 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Bilder (US 6,292,542 B1) in view of Garin, et al. (US 6,671,620 B1 hereinafter Garin). The Applicant respectfully traverses the rejection of these claims.

The applicant respectfully directs the Examiner's attention to amended claim 1.

1. (Currently Amended) A method of managing an Emergency Services Call (ESC) within a mobile network while a subscriber is engaged in an on-going call, wherein the network includes a serving entity, an anchor entity, a Position Determination Entity (PDE), and an Emergency Services Entity (ESE), the method comprising the steps of:

handing off the on-going call from the anchor entity to the serving entity;

responsive to an emergency condition, the subscriber invoking the ESC via 3-way calling while maintaining the on-going call;

receiving a request for the ESC at the serving entity;

receiving a request for a current geographic position of the subscriber at the PDE;

determining the current geographic position of the subscriber by the PDE;

receiving the current geographic position of the subscriber at the serving entity;

sending the current geographic position to the anchor entity;

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setting up the ESC between the anchor entity and the ESE,
wherein the current geographic position is included in the call setup
message; and
updating the anchor entity with the current geographic position.
(emphasis added)

The Applicant respectfully asserts that the Bilder and Garin references do
teach or suggest the emphasized limitations individually or in combination.

The Bilder reference appears to disclose an emergency service in a fixed
network. Bilder discloses the operation between a Local Exchange Carrier (LEC) and an
Interexchange Carrier (IXC) regarding a need for emergency services during an
ongoing call. In the Bilder reference, emergency services may be accessed during the
ongoing call and both the calling party and the called party can be bridged to an
emergency services operator. (Abstract)

In the Detailed Action, a correspondence is drawn between the LEC and IXC in
the Bilder reference and "a serving MSC and an anchor MSC" in the Applicant's
application. The Detailed Action states, "the network includes a LEC and an IXC, which
reads on claimed serving entity and an anchor entity".

When a long distance call is placed in a fixed network, a LEC and an IXC are
both serving the call at the same time. In a mobile network, an anchor exchange is the
exchange where a call is initially placed. If the user moves to a domain (i.e.
geographical service area) of a second exchange, that second exchange becomes the
serving exchange. The anchor exchange remains connected, but leaves much of the
control of the call, especially the control of the radio access network, to the serving
exchange. After an inter-exchange handoff, the anchor exchange has no direct contact
with the mobile user terminal. In a fixed network, the LEC does not hand off the call to
an IXC. The LEC remains as the first, direct contact to the fixed user terminal.

As the mobile user moves, an inter-system handoff may occur. A new serving
MSC would then serve the mobile call as described above. The anchor MSC would
remain as an intermediate point between the serving MSC and the IXC. As is known in
the art, handoff is a process that only refers to mobile calls. As a call is handled at the

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Attorney Docket No. P14976-US2
EUS/J/P/05-3148

same time by a LEC or a mobile exchange and an IXC, there is no handoff, i.e. transfer of the control of the call from the LEC (or MSC) to the IXC.

In the Applicant's invention the serving MSC is different from the anchor MSC. The serving MSC receives, from the mobile terminal, an emergency call set up request after an inter-MSC handoff. In Bilder, the LEC is always connected to the user terminal so it always receives the emergency call set up request directly from the terminal.

In the Bilder reference, the user terminal is fixed, so its geographical position is already known. In the Applicant's invention, the terminal is a mobile terminal and there is a necessary step of locating the position of the mobile terminal. So, geographical position in Bilder (col. 4, lines 39-52) is useful for selecting the most appropriate response to an emergency call. The difference between Bilder and the Applicant's invention is that a procedure for locating the mobile terminal is required, while the location of the Bilder terminal is already known and a simple lookup is all that is necessary.

As in Bilder, the user terminal is fixed and its position is known in advance, so there is no motive to combine Bilder with another reference such as the Garin reference, which teaches a PDE (Position Determining Entity).

Claims 2-7, 10-12 and 14 and depend from amended claims 1, 9 and 13 respectively and recite further limitations in combination with the novel elements of claims 1, 9 and 13. Therefore, the allowance of claims 1-7, and 9-14 is respectfully requested.

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CONCLUSION

In view of the foregoing remarks, the Applicant believes all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for all pending claims.

The Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,



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